
From: Chris Savage [chris.savage@crblaw.com]
Sent: Monday, September 18, 2006 3:03 PM
To: Pieper, Carol (DPU); Adhanom, Berhane (DPU); alexander.w.moore@verizon.com; bruce.p.beausejour@verizon.com; ccox1@chartercom.com; Cottrell, Mary (DPU); DTE Efilng; Foley, Paula (DPU); Gnepp, Stella; Isenberg, Mike (DPU); jpach@technetlaw.com; K.C. Halm; michael.moore@chartercom.com; paul.dunphy@chartercom.com
Subject: RE: D.T.E. 06-56, Information needed for Evidentiary Hearing

Your Honor,

1. Proposed Exhibits.

With regard to proposed exhibits, Charter will certainly have the pre-filed direct testimony of its two witnesses, Mr. Cornelius and Mr. Schremp. In addition, we would propose that each party's responses to data requests (from each other and from Staff) be deemed admitted into the record (with the confidential versions subject to confidential treatment). This would provide the fullest record for the Department to render a decision. In addition it would eliminate the need to spend hearing room time on the formalities of authenticating and admitting data request answers. (In this latter regard, we note that some number of Verizon data request responses were nominally "sponsored" by Verizon personnel not presented as witnesses. E.g., Charter-VZ 1.16 was answered by a Mr. Vincent Woodbury; and Charter-VZ 1.17 was answered by Mr. John Conroy. This creates potential difficulties for Charter if no Verizon witness will stand behind the data request answers at the hearing; simply admitting all the data request answers obviates this problem.) We invite Verizon and Staff to concur in this proposal.

If this proposal is not acceptable, then we would designate, as potential exhibits, all of Verizon's data request responses, whether in response to Staff's questions or in response to Charter's. We may have no questions at the hearing regarding some of those answers other than to authenticate and admit them, although we would then be in a position to refer to them in our briefing. Whether a particular data request response becomes germane at the hearing will depend on the responses of Verizon's witness to particular questions on cross.

In addition, we may ask the Department to take administrative notice of the following documents: (1) Verizon's effective, public interconnection agreement with Comcast; (2) Verizon's effective, public interconnection agreement with Global NAPs, Inc.; and (3) Verizon's effective tariffs on file with the Department. These documents are all public and all in the Department's own records.

2. Witnesses.

We plan to present Mr. Cornelius and Mr. Schremp, the two Charter witnesses who filed direct testimony. If neither Verizon nor Staff anticipates any cross-examination of either or both of these witnesses, we would appreciate being advised of that so that we could stipulate the admission of their testimony and they could be allowed to return to their offices.

3. a. Time for presentation of Case.

We do not expect the affirmative presentation of our case to take more than about 30 minutes -- devoted to authenticating the prefiled direct testimony of the witnesses and moving that testimony into evidence. We cannot guess how much cross-examination, if any, of our witnesses Staff and/or Verizon might have. Depending on the nature and scope of cross, we may have some redirect examination of one or both of our witnesses.

b. Time for cross-examination.

The length of cross is affected both by the areas on which we will inquire of Mr. Richter and by the content, focus and brevity of his answers. With that caveat, we currently anticipate approximately an hour and a half of cross-examination of Mr. Richter.

Please contact us if you have any questions. We are here in Boston, but not necessarily at our computers, so probably the best way to reach us, if need be, is by K.C. Halm's mobile phone, which is 703-851-0840.

Thank you,

Chris Savage

From: Pieper, Carol (DPU) [mailto:Carol.Pieper@state.ma.us]

Sent: Mon 9/18/2006 9:40 AM

To: Adhanom, Berhane (DPU); alexander.w.moore@verizon.com; bruce.p.beausejour@verizon.com; ccox1@chartercom.com; Chris Savage; Cottrell, Mary (DPU); DTE Efilng; Foley, Paula (DPU); Gnepp, Stella; Isenberg, Mike (DPU); jpach@technetlaw.com; K.C. Halm; michael.moore@chartercom.com; paul.dunphy@chartercom.com

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DTE 06-56 Service list:

In anticipation of tomorrow's evidentiary hearing in the above-referenced matter, I would ask that each party please provide the following information by 5:00 p.m. today, September 18, 2006:

1. a proposed exhibit list;
2. a list of the witnesses that you plan to present; and
3. an estimated time for presentation of the case and cross-examination.

If any party intends to introduce information request responses as exhibits, please use the following method on the proposed exhibit list and marking for identification: Exh. Charter-VZ 1-1 to refer to Verizon's response to Charter's first question in Charter's first round of information requests. If Supplemental response use: Exh. Charter-VZ 1-1 Supp. If confidential response use: Exh. Charter-VZ 1-1 Supp Confidential.

Thank you,

Carol M. Pieper
Hearing Officer
Department of Telecommunications & Energy
One South Station
Boston MA 02110
617-305-3561

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9/19/2006